

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN DOES 1-12,

Plaintiffs,

v.

Case No. 13-14356

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendant.

ORDER GOVERNING MOTION FOR SUMMARY JUDGMENT

Before the court is Defendant's Motion for Summary Judgment against Plaintiffs John Does 8, 9, 10, and 12, filed on July 5, 2016. (Dkt. # 12.) 21 days are allowed for a response to a dispositive motion. See E.D. Mich. L.R. 7.1(e)(1)(B). The court entered an agreed order extending the 21 day deadline to August 24, 2016. Six weeks have passed since the extended deadline expired, and Plaintiffs have not yet responded. The motion includes the required notation of "communicat[ion] with opposing counsel . . . explaining the nature of the relief to be sought by way of this motion and seeking concurrence . . ." which "was denied." (Dkt. # 12.).

The Motion for Summary Judgment and its supporting brief appear to be well supported in fact and law, and the court is inclined to grant it for the reasons stated therein. Plaintiffs' present silence appears to be a concession that their earlier denial of concurrence was ill founded. The court is prepared to interpret Plaintiffs' silence as concurrence.

Moreover, pursuant to Eastern District of Michigan L.R. 41.2, when a plaintiff has taken no action for a reasonable time and no good cause therefore is apparent, the court may enter an order of dismissal for that reason alone.

IT IS ORDERED that if Plaintiffs John Does 8, 9, 10, and 12 do not respond to Defendant's Motion for Summary Judgment by **October 12, 2016, at 12:00 p.m.**, they will be deemed to have concurred, and Defendant's Motion for Summary Judgment will be granted for the reasons stated therein.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 7, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 7, 2016, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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